

Daryl Fallas  
77 Parker Avenue  
Deal, NJ 07723  
732-539-9025

CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEW JERSEY  
RECEIVED

2012 SEP 21 AM 10 48

September 20, 2012

Clerk, U.S. District Court  
402 E. State Street, Room 2020  
Trenton, NJ 08608

Re: Case Name: FALLAS v. SCHACHTER PORNOY, LLC et al  
Case Number: 3:12-cv-05664-PGS-DEA

**OBJECTION TO REMOVAL FROM NEW JERSEY COURT**

Dear Clerk:

Please file my objection to the above matter being removed from Mercer County Superior Court, case number MER L 1632 12 and placed in this court.

The reasons for my objection are the following:

1. Pursuant to 28 U.S.C. 1446(b), the pleading on removing parties must be made within 30 days after service. Service was made on July 25, 2012 (attached). Defendant's action to remove took place on September 12, 2012; well beyond the 30 days allowed. Defendants missed their opportunity.

2. The moment Defendant Cavalry, SPV I, LLC obtained the services of Defendant Schachter Portnoy, LLC, a New Jersey law firm, this matter and their actions came within the jurisdiction of the New Jersey Courts and subject to New Jersey laws, including that of the New Jersey Fair Debt Collection Practices Act

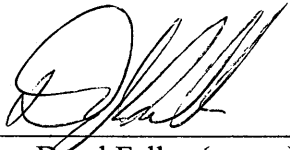
3. New Jersey's Fair Debt Collection Practices Act is similar to the Federal Fair Debt Collection Practices Act, except that it also allows for punitive damages, recognizing the adverse reactions unfair and/or fraudulent attempts at collection can have on individuals and their families; such as divorce, bankruptcy, suicide, loss of work due to false claims on individual's credit reports, embarrassment within the community, being forced to file for food stamps and Medicaid, etc. Their action is a cause of my being indigent because of their falsely reporting a debt owed them to the credit reporting agencies (attached as exhibit B). In allowing this complaint to be transferred to the Federal Court, I would be losing my ability, and right, to claim punitive damages; in effect, allowing the Defendant to get away with the seriousness and consequences of their actions with merely a slap on the wrist in comparison to this New Jersey Court's

capability of serving just punishment to them for their egregious actions against me by awarding me punitive damages.

4. Handling this matter in Federal Court would be well beyond my capabilities. As an indigent pro se, I would require the assignment of counsel as per the LSC ACT of 1974. Should this objection be overruled, I hereby request it.

I certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are intentionally false, I am subject to punishment.

Dated: 9-20-12

Signed: 

Daryl Fallas (pro se)

# Office of the Sheriff

## Sheriff's Return Of Service

12003956



**JOHN A. KEMLER**  
SHERIFF



MERCER COUNTY CIVIL COURT HOUSE  
175 SOUTH BROAD STREET  
P.O. Box 8068  
TRENTON, NEW JERSEY 08650-0068  
TELEPHONE: (609) 989-6100  
FAX: (609) 278-8041

UNDERSHERIFFS  
JAMES P. TAYLOR  
DONALD E. ELLISON  
PEDRO MEDINA

ASSISTANT TO THE SHERIFF  
CATHLEEN G. GARTON

CHIEF SHERIFF'S OFFICER  
RICHARD S. PIOTROWSKI

CHIEF WARRANT OFFICER  
BRIAN D. AMANTIA

PLAINTIFF DARYL FALLAS  
DEFENDANT CAVALRY SPV I LLC

DOCKET # L-1632-12

I SERVED THE FOLLOWING PAPERS: SUMMONS & COMPLAINT ON THE WITHIN-NAMED  
DEFENDANT IN MERCER COUNTY, NEW JERSEY

SERVICE NAME	SERVED	NOT-SERVED	DATE	TIME	ADDRESS	SERVICE INFO
CAVALRY PORTFOLIO SERVICES	C		7/25/12	1055	3490 ROUTE 1 PRINCETON, NJ 08540 St 6	Darren Portney atty

STATE OF NEW JERSEY  
COUNTY OF MERCER

I, JOHN A. KEMLER, SHERIFF  
of said County do hereby  
deputize and appoint

to be my deputy, to execute and  
return the writ according to law.

Witness my hand and seal this 25  
day of July A.D. 2012.

- \* Type of Service
- A Personal Service
- B Household member over the age of 14 years, at usual place of abode
- C Served person authorized to accept service/Managing agent
- D Unable to locate, unknown at address given
- E Address Out of County
- F Avoiding service, made many attempts
- G Affixed
- H Certified Mail
- I Other

**JOHN A. KEMLER**  
Sheriff (L.S.)

Sheriff's Fee \$24.00

JOHN A. KEMLER, SHERIFF, by

 Special Deputy



**JOHN A. KEMLER**  
SHERIFF

# Office of the Sheriff

## Sheriff's Return Of Service



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DOCKET # L-1632-12

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DEFENDANT IN MERCER COUNTY, NEW JERSEY

SERVICE NAME	SERVED	NOT-SERVED	DATE	TIME	ADDRESS	SERVICE INFO
SCHACHTER PORTNOY	C		7/25/12	1055	3490 ROUTE 1 PRINCETON, NJ 08540	Darrin Portnoy atty

STATE OF NEW JERSEY  
COUNTY OF MERCER

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**JOHN A. KEMLER**  
Sheriff (L.S.)

Sheriff's Fee \$24.00

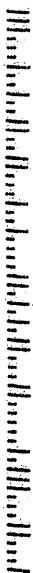
JOHN A. KEMLER, SHERIFF, by

Special Deputy

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Deal, NJ 07723

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